

first establishment of the Library, it has been the practice of the Librarian to dispose of what a resolution of the Legislature of 1832 terms the surplus volumes by way of sale or exchange for other works needed in the Library. The State has thus disposed of the Reports of the State Reporter; it has thus dealt with its officer, created for its use, whom if any one, it must desire to encourage and sustain. It has thus dealt with its own Reporter without a word of exception to this course from that officer, notwithstanding the very large pecuniary advantage to be derived to himself, if the State were compelled to keep upon the shelves of its Library the surplus fifty or one hundred copies of his reports, and suffered him to go into the market with a monopoly of the work to exact of the members of the Bar whatever price he might under such circumstances. It is difficult to conceive a reason why the Maryland Chancery Decisions should not be dealt with in the same way; and why the publishers of them should be favored at so large a cost to the State, by the grant of a privilege which the State does not grant to its own Reporter. The work of reporting and publishing these Chancery Decisions was undertaken by private enterprise for private profit. The State did not originate it. For all the volumes purchased by it, it has paid a liberal price; a price, perhaps equal to that paid for the New York Reports of Johnson, or the Reports of the Supreme Court containing the opinions of Judge Marshall and Judge Taney. It purchased them without any reservation or condition in favor of the vendors. It required in them a property as absolute as is known to our law. It had a perfect right to dispose of them. The advantage to the Library of disposing of them is manifest; as thereby the State acquires works of value and in daily use, and parts with supernumerary volumes which if they were retained in the Library, might lie upon the shelves without being used until they were worn-eaten or consumed away to dust. With these views the Legislature at an early period after the establishment of the Library passed a resolution entitled,

"A Resolution authorizing the Librarian to dispose of the surplus books remaining in the State Library."

By this resolution passed on the 6th of March 1832, the Librarian was authorized to dispose of, under the direction of the joint committee on the State Library, all the surplus books with certain exceptions therein mentioned, and to lay out the proceeds under the direction of the joint committee in the purchase of law books and other works for the library. Under the resolution as I understand has arisen the practice of the State Librarian which has continued without question or impeachment to the present time. It would be impossible for the Library Committee to give special directions in reference to each particular transaction of sale or exchange as such might be proposed in the Recess of the Legislatures.